

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**FREDY M PERDOMO**  
Claimant

**APPEAL NO: 15A-UI-02013-DWT**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE  
DEVELOPMENT DEPARTMENT**

**OC: 12/28/14**  
**Claimant: Appellant (2/R)**

Iowa Code § 96.3(7) – Overpayment of Benefits

**PROCEDURAL STATEMENT OF THE CASE:**

The claimant appealed a representative's January 30, 2015 determination (reference 02) that held him overpaid \$1119 in benefits he received for the weeks ending January 3 through 17, 2015. The overpayment occurred as the result of a January 28 determination that held him ineligible to receive benefits as of December 28, 2014. The claimant participated at the March 10, 2015 hearing. Based on the administrative record, and the law, the administrative law judge concludes the claimant was not overpaid benefits he received for the weeks ending January 3 through 17, 2015.

**ISSUE:**

Has the claimant been overpaid \$1119 in benefits he received for the weeks ending January 3 through 17, 2015?

**FINDINGS OF FACT:**

The claimant established a claim for benefits during the week of December 28, 2014. He filed claims for the week ending January 3 through 17, 2015. He received a gross benefit payment of \$1119 for these weeks.

A decision for appeal 15A-UI-02012 held the claimant eligible to receive benefits as of December 28, 2014.

**REASONING AND CONCLUSIONS OF LAW:**

If an individual receives benefits he is not legally entitled to receive, the Department shall recover the benefits even if the individual acted in good faith and is not at fault in receiving the overpayment. Iowa Code § 96.3(7). Based on the decision for appeal 15A-UI-02012, the claimant is legally entitled to receive benefits for the weeks ending January 3 through 17, 2015. He has not been overpaid \$1119 in benefits for these weeks.

This matter is remanded to the Benefits Bureau to pay the claimant benefits for the weeks ending January 24 and 31, 2015. The Department used benefits for these weeks to offset an overpayment, but the claimant has not been overpaid.

**DECISION:**

The representative's January 30, 2015 determination (reference 02) is reversed. The claimant is legally entitled to receive benefits for the weeks ending January 3 through 17, 2015. He was not overpaid \$1119 in benefits he received for these weeks.

This matter is **Remanded** to the Benefits Bureau to pay the claimant benefits he is entitled to receive for the weeks ending January 24 and 31, 2015. The Department has not paid the claimant these weekly benefits because they were used to offset the earlier established overpayment that has been reversed.

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Debra L. Wise  
Administrative Law Judge

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Decision Dated and Mailed

dlw/pjs